P 410 E

App F IX-4

1953 54
( Cm)

File No 35 53
Serial Nos. 14, 21
30,

*Previous References.*
Cm Dep no 153/52

*Later References*
~~Cm~~ Dep no CM ~~35/53~~
343/56 57

# GENERAL AND REVENUE SECRETARIAT

*Serial Nos* 4

**Part B for** March 1956.

**SUBJECT**

Appeal Petition of Sowmathi Muniamma – allotment of stall no 16 of Kumaravajendra Market

L 1654-76 21 3 56

The Commr. C C B
(thro the Regr)
C S A)
" Auditor C C B

Signature

General and Revenue Secretariat | File No 2117 Jonl of 1953-54.

Serial No

Appeal petition dated 23 6 53 from Sm Ramamma Regarding allotment of Shop no 16 Bheshma Rayendra Market

Orders of the Govt Secretariat

References and a note (2d) TC 24 6 53.

2) Municipal CM Dep papers 153/52 are put up. On a similar petition from Sri Abdul Hakeem in Regard to the allotment of Shop No. 19 in the City Market, it has been held that under the Corporation Act the allotment of Shops in Markets is entirely a matter resting in the discretion of the Commr the Commr was therefore respectfully requested to say that once a principle for allotment of Shops is laid down it should be followed strictly in every case, provided there were no circumstances to compel deviation therefrom Though the facts of this case disclosed are regretted done to the petitioner, Govt found no way under the

Pg "A"

Appeal petn of Sri Narasamma Re: Shop No 12 City Market

File No 2117/Jud of 1953-54 | General and Revenue Secretaria

Serial No

provision of Law to interfere and reverse the order of the Collector

3) The provisions of the Act under which the present appeal is preferred by Srimathi Narasamma does not seem to apply to cases of this nature to entertain this appeal

4) It is for orders of Govt whether circumstances, it is necessary to call for a Report and Records from the Collector in this Case.

Addl 9/7/53

5) The Petition may perhaps be sent to the Commr for disposal

SW 11/7 I am unable to see how

6) A Report will be called for from the Commr (Refer to para 1)

Addl 1951

Complying)

7) Get a report very soon

Sd 20/7/53

Addl 2951

3239

8) Refer Collector to the Collector, CCB is put up for approval

Sd 23/7/53

Addl 2817

WD 01404—C PD—40 000—18 10 52

To

The Commissioner, B'lore Corpn
no L 5491 dated 6 8 83
Calls for a Report on the petition

Enc A 7/8/83

From

The Commissioner B'lore Corpn
no N. 3 D.A 9a /83-Su dated 20 8 83
Forwarches a Report as called

1) The note of the Commissioner flagged "X" gives a brief history of the case

2) The power of parcelling to Sell or expose for Sale any animal or article carries any public Market vests Commissioner under Sec 313 of the Corporation Act.

3) Sec 386 of the Act provides for appeals against any notice issued or action taken by the Commissioner The Commissioners power of allotting Market Shops under Sec 313 is not brought within the ambit of Sec 386 of

5332/ML 5468/ML

Appeal petition Sri Nanjundaswamy Re Shop
No 66 - City Market

---

means an appeal against the Commrs
orders as these cases is excluded
yet this particular matter about
has long been as dispute has
been considered both by the
Standing Committee and the
Corporation The Corporation as
the parent body having substantial
powers has decided in favour of
Sri Obalappa and against the petitioner
Sri Nanjundaswamy The Court has
no power of substituting up an appeal
in this case and passing an
order reversing the decision of
the Corporation The Records of
this Subject Corporation office are
obtained and put up

13) Subject for orders - Ref para
1 above

Sd/
17/9/53
17/9

Sd/
Learned petitioner
of 21 9 53
Read from
Sri Obalappa
& also put
up
M
21/9/53

Appeal petition of Sri Ramaiah Re allotment of Shop no 16 Krishnarajendra Market

General and Revenue Secretariat | File No 4163/ml of 195 | App F III-2]

Serial No

1h) The facts of the case as given in the note of the Commissioner do not represent the true state of affairs (Flag ) Therefore the facts of the case as found from the records have been narrated below This is a very interesting case to know how the Corporation authorities have dealt with the case from the beginning to the end and how the provisions of the Corporation Act have been given effect to

On 2-7-51, one Munyamma gave a petition to the Market Superintendent stating that she has not leased her stall to anyone, that one Chappa has occupied that stall, during her absence without her persmission and without the permission of the Market Superintendent that she is regularly paying the market rent, that Chappa with the support of some people, is threatening her and that she may be given that stall No 16, with Police help, if necessary (Vide Flag A )

This petition was forwarded to the Market Inspector on 2-7-51 This market Inspector took the statement of Chappa and not that of Muniyamma on 3-7-51 and reported to the Superintendent that stall No 16 stands in the name of one Muniyamma, that the stall was allotted to her since Dec 1947, that she deposited Rs 3-14-0 being the rent for two months, that the stall is charged at the rate of 0-1-0 per day, as it is an open stall, that from the date of allotment she was paying the rent upto the date of the report, that all the receipts were in her custody, that she states that she had allowed one of her men, Chappa to sit on the stall and do business on her behalf and

A

etc —Contn Sheet

Appeal petition of Sri Muniswamma Re: allotment of Shop No 16

In File No 4168/Mkt of 1953-54 | General and Revenue Secretariat

| | Serial No |
|---|---|
| and that she then wanted to do the business herself and occupy the stall At this stage of the report, it is significant to note that the Market Superintendent has observed as follows by the side of the report of the Market Inspector "Where has she said like this" In fact, the Market Inspector has not taken Muniyamma's statement and no where has she said as stated at "A" The Market Inspector further reports that the statement of Oblappa is entirely false and that regarding the period of occupation it was only about 3½ years, ~~ago~~ that the stall was allotted to Muniyamma originally and that in the petition Oblappa has stated that he was paying a higher rent, which is not true and that there is nothing in writing to prove his statement and that, as it was an open stall, any person could sit and do business Finally the Market Inspector has concluded that Oblappa had practically no case to support his claims and that re-possession of the said stall should be given to Muniyamma | |

Then both the parties gave petitions to the Corporation Commissioner, Market Superintendent etc , which were forwarded to the Market Superintendent for report (The first report of the Market Superinterdent on this subject is dated 7-7-51 ) He has definitely stated that the statement of Oblappa cannot be believed as Muniyamma herself had taken the lease on 10-12-47, and that as the flower stall was only an open stall, Oblappa had managed to occupy the said stall unauthorisedly He furtner recommended that orders may be passed to hand

Appeal petition of Son Ramaswamy Re allotment of Shop No 16 K R Market

General and Revenue Secretariat | File No C 1681/ml of 1953 S4 | App F III-3] 7

Serial No

over the stall to Srimathi Muniyamma from Cblappa, that the petition of Cblappa be rejected (Vide portion marked "B" Flag B )

On this report, questions were put to the Market Superintendent on the following points

(1) Whether Sri Cbalappa was found doing business in the shop and if so how long?
(2) and who is holding the receipt for payment of rent?
(3) Where was Muniyamma all along?
(4) Why should she prefer a complaint after such a length of time?

The Market Superintendent has replied that according to the statement of Muniyamma she left the place to attend to her sister who was sick and during her absence Cblappa had managed to occupy the stall unauthorisedly and that eversince she became a lessee of the stall she was obtaining the receipts in her name

After considering all aspects of the case, the then Commissioner, Sri M S Viranna, passed orders as follows

" Muniyamma appeared before me and supports her previous statement I asked her however whether she gave notice of her intention to leave the shop empty for some time to the Market Authorities She says no Cbalappa is of course an interloper

The shop can be given to Srimati Muniyamma on her giving a fine of Rs 10/- and executing a 11 months lease Cbalappa should be cleared out "
(Vide portion marked "C' - Flag C )

These orders were communicated to the Market Superintendent on 17-7-51 This is the first stage of the record

On further representation of Cblappa the case was posted for hearing of both the parties by the Commissione the Commissioner himself has heard Sri Cblappa and has recorded his statement and he has passed order on 19-8-5

Appeal petition of Smt Veeramma No 29 of 53 against
of Shop No 16 - K R Market

File No 4168/Rev of 1953 (54)

General and Revenue Secretariat

Serial No

as follows -

"The point is whether Obalappa is a sublessee or an interloper I am only going into this question now because a resolution of the Old Mysore Council has been brought to my notice whereinx a presumption has been raised in favour of sub-lessees who are in actual possession This is a new point which requires consideration The papers are remanded to the Market Supdt for enquiry and report after investigating neighbours and so forth (confidentially if necessary) and giving a specific opinion as to (1) how long Obalappa has been in charge of the stall, and (2) whether he has been in possession as sub-lessee or interloper "

On 26-10-51, the Mayor has called for the records and has made a noting that Obalappa has illegally occupied the stall and that it is not a case of subletting and the open stall in question may be restored back to the petitioner (Vide portion marked E - Flag E - Mayor's note dated 26-10-51 )

Again there were representations to the Commissioner by Obalappa as well as Muniyamma to the same Commissioner and he further clarified his order and his finaly orders in the matter were passed on 17-5-52 as follows -

"The question now is whether Obalappa is in occupation purely as an interloper or as a sublessee of the legal tenant Muniyamma For the latter position there is no evidence Muniyamma is even now paying the rent Obalappa's position is therefore that of an interloper who cannot be recognised as an occupant even under the terms of the recent resolution of the Council
I therefore direct that Obalappa be evicted according to the process of law and Muniyamma put in possession after payment of a fine of Rs 10/- Her lease will as usual run only for 11 months at a time " (Vide portion marked F - Flag F ) These orders were communicated to both the parties

Detailed noting as stated above is very necessary to show that the Commissioner had considered all aspects

WD 01404—GPB 40 000—18 10-52

Appeal petn. from Sri Hemmanna Re allotment of Shop no 16 - K R Market



Serial No

of the case and passed orders Then the next Commissioner Sri Abu Baker took charge and petitions again poured in to his office There was a general petition by the occupants of the Market complaining against Muniyamma for her alleged mis-behaviour towards Oblappa and his people (Vide petition - Flag G ) The Commissioner ordered that the matter may be referred to the Police as orders were finally passed by his predecessor

Meanwhile Oblappa approached the Civil Court and got a stay order But he did not allow the Civil Court to give a decision in the case He withdrew his application By this method he lost his chance of getting a decision from the Civil Court which he had approached thinking that he would lose the case Then Oblappa petitioned several officers to get his stall back without carrying out the orders of the Commissioner and without giving possession of the stall to Muniyamma The then Commissioner Sri Abu Baker again order for another enquiry and report and he passed orders as follows after enquiry -

"I have made enquiries from neighbours in the market personally Every one of them states that Oblappa has been occupying the stall as a lessee of Muniamma who has subleased this stall to Oblappa about 6 or 7 years back The Corporation have decided that in case of subleases, the original leases should be cancelled and the leases confirmed in favour of the sub-lessee, the actual occupant In these circumstances Muniamma's claim for reoccupation of the shop by turning out the present occupant Oblappa is not tenable Therefore the stall may be confirmed in favour of Oblappa the sub-lessee and present occupant " (Vide portion marked " " Flag H "

At this stage it is very necessary to note whether the Commissioner has powers of revising the orders of the previous Commissioner This is a very important matter

Appeal petition of Smt Neelamma Re allotment
Appeal petition of Smt Neelamma Re allotment of Shop No 16 - K.R Market



Serial No

and I will deal with this after I complete the history of the case

Strangely enough the case was taken up by the standing Committee and a decision was given against Chlappa and in favour of Puttyamma Then the matter was taken up by the Corporation and a decision was given against Puttyamma and in favour of Chlappa Whether an appeal lies to the standing committee on this point against the orders of the Commissioner and from the standing Committee to the Corporation, is a matter of law and I will consider this subject later At present Chlappa has got a favourable resolution at the hands of the Corporation and it is Puttyamma that has come in appeal before Govt

According to section 312(2) the Commissioner may, in any public market, charge and levy anyone or more of the following fees at such rates as the standing committee may determine

(a) If it is for the use of or for the right to expose goods for sale in such markets,

(b) if it is for the use of shops, stalls, pens or stands in such markets

It is evident from the above provision of the act that a standing Committee must determine the rates and the Commissioner may charge and levy the fees at such rates This section is not made appealable to the Standing Committee (Vide section 386 of the Corporation Act ) Then it is not made appealable to the standing Committee, the latter cannot take up the question suomotto and decide because a decision has been given already by the Commissioner and it was within his province to dispose of the matter

WD 014 04—GPB—40 000—18 10 54

Abstract of Shop no 16 - appeal pole & son Nuruddin



Serial No

According to section 4 of the Corporation Act, the Municipal authorities charged with carrying out the provisions of the Act, are(1) the Corporation, (2) the Standing Committees of the Corporation and (3) the Commissioner Certain duties have to be performed by the Commissioner, certain duties by the Standing Committe and certain duties by the Corporation in accordance with the provisions of this Act No one authority can presume that it has a power to dispose of any matter until and unless it is specifically given that ~~authority~~ power by the provisions of the Act P B Iyengar in his book on the law of Municipal Corporation in British India has observed as follows -

"The powers and duties or functions conferred or imposed upon or vested in the Municipal Commissioner or President or Chairman or Chief Executive Officer must be exercised, performed and discharged by him unless he has powers to delegate any of them in which case it is only the delegated officials that can exercise, perform or discharge any of the powers delegated to him and no one else can

Whether the statute expressly or by implication leaves the determination of certain matter to the body corporate created by it, it has no power to delegate its authority on matters within its competence to a third person

A Municipal Corporation being a public institution for self-government and improvement and local administration of the affairs of state, its powers and functions

Appeal petition of Sm Rameshwarlal No allowed of Shop No 16 - K R Market

File No 141/68/54 of 1953-54 | General and Revenue Secretariat

Serial No

embody its life as a social and political organism, power expressing legal authority to do an act and function the duty of the Municipality A Municipal Corporation possesses such powers and such only as the statute creating it confers upon it, the statute being "the measure of its powers " As observed by Lord Halsbury (See Laws of England, Vol 8, p 359) where a Corporation is created b statute, its powers are limited and circumscribed by the statute creating it, and extend no further than is expressly stated therein, or is necessarily and properly required for carrying into effect the purposes of its incorporation "It is well settled that a Municipal Corporation has only such powers as are clearly and unmistakably granted to it by its charter or by other acts of the legislature,and consequently can exercise no powers not expressly granted to it, except those which are necessarily implied or incident to the powers expressly granted to those which are indispensable to the declared objects and purposes of the corporation Any fair and reasonable doubt concerning the existence of the power, or any ambiguity in the statute upon which the assertion of the power rests, is to be resolved against the Corporation and the power denied.

In this case, as the Commissioner had final powers to dispose of the matter, I think it was not right on the part of his successor to revise the orders of the previous Commissioner, it was not right

WD 014 04—GPB—40 000—18 10 5

Appeal petition of Son Nearaccess Re alltment of Shop No 16 K R Market

General and Revenue Secretariat | File No 4168/Rev of 1952 | App F III—2] 5x 13

Serial No

on the part of the Standing Committee to take up the subject which was already disposed of, as it had not power of appeal to hear this case and it was not right on the part of the Corporation to have decided the matter The reason is simple because certain Municipal Authorities are charged with certain duties and these Authorities should carry out their duties according to the provisions of this Act, as specifically expressed in the Act Therefore I am firmly of opinion that the orders of the Commissioner, Sri N S Hirnnayya must stand and all other orders are to be declared as illegal and unlawful and Puniyamma must get her stall in all fairness The basic records on the subject also prove that Oblappa was not sub-lessee and he was only an interloper , that Puniyamma left the place to attend on her sister when she was ill, that by the time she returned, Oblappa had occupied that stall and that he managed to persist and continue in the same stall, leaving the lady in utter confusion and trouble Therefore the orders of the Commissioner, Sri N S Hirannayya must be upheld

Further Oblappa has forfeited his right pursuing the matter in an open Court of law when he withdrew his application filed in the Civil Court why he withdrew is best known to him I am of opinion that because he had no case to prove, he has withdrawn his application and therefore he is estopped from pursuing this matter any further

But while giving effect to the orders of Govt ,

Note —Contn Sheet

Appeal petition of Sri Nanjundaiah Re allotment of Shop no C6 - R R Market



Serial No

upholding the orders of Sri N S Hirannayya, a certain procedure has to be followed According to section 45 of the B C C Act, if on receipt of any information or report obtained under sections 43 and 44, Govt are of opinion that any duty imposed on the Municipality by or under this Act is not performed or has been performed in an imperfect, inefficient or unsuitable manner, Government may, by an order, direct the Corporation or the Commissioner within a period to be specified in the order to make arrangements to their satisfaction for the proper performance of the duty provided that the Government shall before making an order under this section give the Corporation an opportunity of showing cause why such an order should not be made and after hearing the Corporation finall orders may be passed under section 46 I think the Corporation has to be suitably addressed in the matter to see that Muniyamma gets her stall back If approved a detailed letter will be drafted on the lines suggested above and the Corporation will be requested to show cause why orders should not be passed in favour of Muniyamma, confirming the orders of the Commissioner, Sri N S Hirannayya as later orders passed are not according to law and the Municipal Authorities have performed their duty in an unsuitabl manner

Law Secretary may perhaps be consulted whether the above ~~line of argument~~ View point is correct

Secy (Law)

5/10

WD 014 04—GPB—40 000—18 10 53

Appeal petn of Sm Meenakshi Re allotment of Shop No 16 - K R Market

App F III [21]

General and Revenue Secretariat | File No Ca 168/Jud of 1953-54

Serial No

3882 Law

16) Law Secretary is requested to offer her remarks whether the above view point can be accepted

(for Secy Dept on tour - 5/10/53

Secy Law)

SECRETARY TO GOVT 6300 1953 LAW DEPARTMENT FILE

Law 6/10/53

SECRETARIAT

17) The main facts of the case and the view expressed at para 14 are fair and factual. Before the Govt could entertain under S 45 and pass final orders under S 46 the Corporation has to be heard in the case 18) Submitted to the Law Secretary

Sd NKH

13/10/53

13/10/53 19) In substance there is a conflict between the orders passed by the Two Commissioners Sri Bramanya the former Commissioner has passed an order in favour of the Present Petitioner Meenakshi while Sri Bhaskara Baker has passed an order in favour of Chalapathi Both Meenakshi and Chalapathi are pushing forward their claims for the Stall in question It has to be decided which view of the Commissioners is correct Against it is stated that Chalapathi had approached the Civil Court also for delivery and that Judgment of the Court does not seem to have proceeded the matter before the Civil Court Petitioner

Memorandum has filed the Petitioner before
the Govt under Sections 43 45 and 47
The Relevant Section is Section 45 - Accordingly
u/s this Section, Govt have ample Powers to
pass appropriate orders in Suitable
Cases in the ends of Justice and
before doing so Govt any
final orders are passed by the Govt
Corporation has to be heard and further
it is desirable to hear both the Petitioners
and Globaffon also

20) The question whether
the Petitioner Memorandum or Globaffon
is entitled to the Stall in question
depends upon the facts and it has
to be decided whether the V was taken by
Sri Hariyanmack is just and Proper or
whether the View of Sri Rao Baker is
Correct or Proper and this depends
upon the View which may be taken by
the Govt after hearing all the Parties -

21) However if the facts as stated by
the Assistant Secretary - Memorial Branch
are correct the View taken by the
Commissioner Sri Hariyanmack
appears to be more equitable
and appropriate

Secretary L SG) 10/12/53

GOVT
7681
12 DEC 1957
PARTM

Appeal petn of Sri Hanumanna Re allotment of Shop no 16 — K R Market

Mysore Government Secretariat

File No 4168 of 1953-54 [App F III 2

WD 03 47—CPB—40 000—14-8-3

17

Serial No

1) The above note of the Asst Secretary is for perusal Before passing any orders after calling for the records under Sec 45 the Corporation Should be heard as well as the two parties for the dispute to ascertain the correct facts and decide whether the oral Case by Sri Hanumanth is correct or the Case by Sri Abdul Bakar is correct The orders Should be finalised after giving a Show Cause notice to the Corporation when the contradictory facts that the Case of Sri Hanumanth is correct

2) It is however for consideration whether this extreme Step under Sec 45 to set aside against the Corporation is justified and Called for in this simple matter of allotment of a flower Stall in the market

3) Sent for orders

Sd/ 14/1/1955

4) It cannot be understood how in a simple matter where Sri Hanumanth has been deprived of her living as seen

Sd/ 15/1/55

NOTE—Contn Sheet

Appeal petn of Sm Munuamma re allotment of shop no 16 — K R market

File No 4/68/mkt of 19

Mysore Government Secretariat

Serial No

from the history of the Case therefore, the orders passed by Sri Devanna rah have to be upheld as it is stated to be more equitable and appropriate by the Law Secy of appl. the Corpn will be informed accordingly, after hearing the parties

15/12

Secy Dept

26) Discussed Draft a letter to the Corporation asking them why the late order should not be set aside

23/12

27) Dft letter to the Commissioner, CCB is put up for approval

31/12/53

8/12/54

28)

Secy Dept

29) for perusal before issue

6/1

7/1

30)

9/1/54

To

The Commr, CCB

No L 1359-4/CR 35-53-29 Dt 18/1/54

Enquire why the order of Sri B R Rao Bahadur should not be set aside

11/1

11/1

31) Issued

12/1

Sri A Devanna rah

Secy

L 496 24/1 26/4/54

SECRETARY TO GOVERNMENT 22 DEC 1952 LEGISLATIVE DEPARTMENT

C F [illegible] Public [illegible] SELF 6 SEPT 8 124 No 475 78

Appeal for the enhancement - allotment of Shale No. 16 to Market B city. [App F III 2

Mysore Government Secretariat 19 | File No 4168/10 H 8/mc 4864 of 195

Serial No

To

The Commissioner CCB

Letter no A3 P R 16/54 5 dt 6/11/54

forwards an interim reply

further reply will be awaited

32 Sd 26/11/54

33) Remind the Comr

Sd 27/11/54

34) Remainder to put up for approval

35) Sd/6

R No 1 3418 /29-6-54

C, P O R No 5982 dt 18-8-54

Sd/6 29/6

To

The Commissioner C C B

Letter no A3 P R 16/54-55 dt 9/10/54

Forwards interim reply

36 Interim report is for perusal

further report will be awaited

Sd 22/10/54

37) Sd 22/10

Consolidated P O R No L 10087 dt 15-11-54

Sd 22/10/54

To

The Commissioner CCB

Letter no A3 P R 16/54-55 dt 29-11-54

Forwards the report

Note—Contn Sheet

Allotment of Stall No 16 K R market - appeal from Munyamma

File No 1043/4864/6248 of 195 CM 38 53-

Mysore Government Secretariat

Serial No

38) The Corporation in its Resolution dated 14-10-52 has conceded to the Confirmation of the Order passed by Sri N S Hiranmayya, the then Commissioner allotting the Stall No 16 in favour of Smt Munyamma, the Petitioner This is in reply to the office letter dated 18-1-53 asking requesting the Corporation to show Cause as to Why the latter order should not be set aside

Page 24 of Confidence Flag T T

Page 14 of Confidence Flag K L

Sri N S Hiranmayya's Order dated 17-5-52 Flag C Page 17 of Records Flag F Page 50 of records

Sri Mr Baker's Order dated 26-9-52 Flag H Page 118 of records

39) For orders with reference to Para 26 Appa

Re 21/M CM 23/12 49) The Corpn have resolved that the order of Sri N S Hiranmayya be upheld Therefore orders may be issued approving the resolution The parties may be heard, if it is found necessary But as Munyamma had come in appeal and as the Corpn have

A, R

WD 04861—GPB—60 000—22-1 54

Attached P.N. dt 16 K.R. Pet... a/cl for Rs ... sanctioned.

Mysore Government Secretariat — 6346/mf File No. 7182 of 1954 — [App F III 2 a]

| Serial No. | |
|---|---|
| | Resolved that the merger in I & J Investments may be approved, there may not be any need to grant Smt. Mathu Hunisyamma, if Govt were to approve the resolution of the Corpn |
| | Secy (Ind) 25/1 |
| 41 | [illegible] |
| 42 | 24.1.55 |
| | Encl |
| 43 | Satisfied with charges ~~subscription~~ notices for approval the Bank Deposit may kindly be sanctioned |
| | 27/1/55 |
| 44 | The P.A to the Hon Minister may kindly be requested to note the date on which the case may be further for hearing |
| Mem 31/1 | 45) The case is posted to 31-1-55 |

Note.—Contn Sheet

Allotment of Stall No 16 K R Market, Bangalore
to Smt Munyamma

File No 7/82/Part of 195

Mysore Government Secretariat

Serial No

46) Draft letter for signature
Dy 18/1

47) Issue
27/1

Notice issued
No L 13067-9 dt 27-1-53
Hearing on 31-1-53 at 1 PM

48) The file may kindly be referred to Shri P A to Hon'ble Minister for Agriculture
Dy 29/1/53

P A
to Minister for Agriculture

49) 27/1

No 5453

50) The Commissioner, Corporation Bangalore may be contacted by phone whether Smt Munyamma owns Stall No 1 in K R Market then put up the file to me
31/1/53

51) Draft letter is for approval
Dy 31/1

52) Issue
31/1

Issued
L 13487 dt 31/1/53
Asst

31/1

WD 04861—GPB—CO 000—22-1 54

Allotment of Stall No 16 K R Market -
appeal from Mrs Munyamma

Mysore Government Secretariat | File No 782/54 | 7889/55 of 195 | [App F III 2

Serial No 53

Remainder is put up.

53) 3/21/10

54) Three & half weeks reminder 21/10

Issued R.No 9166 dt 22-10-55

From

The Comr C.C.B letter No A3-P R 16/54 55 dated 18/1/56 in the matter

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55 The report sent by the Commissioner CCB is for kind perusal and orders with reference to Para 50 of his

6/27/1/56/1

56 It is reported by the Comr that Stall no 1 East flower Line K R Market is in the name of Munyamma, the applicant & that she is doing business in that Stall ~~& that was another Munyamma~~ (Refer to Para 50)

Secy (Rev & Ex)

57) 9/2/56

Minister (Rev)

58) A - m 40 - Approved

18/2/56

20/2

5218
Note—Contn Sheet

Allotment of Site No 16 K R Market - Acceptance
appeal from Sri Y Munyamma

File No 7182/54 and 7889/54 of 195 5

Mysore Government Secretariat

Serial No

59) Draft GO
draft Endorsement } are put up

please furnish
3 fair drafts
Ms 3/3

29/3

10) Draft-GO & draft endorsement are for
these approval

Ms 12/3

61) Done
15/3

Type 2 drafts
put up
12/3

GO No 16174 76/CM 35 53 31 dated 21 3 56
To the Comr ee ib through the Mayor
Controller State Accts Dept
Director, Corporation of City of Bang
Approves the allotment of Site No 16 East Block
to Sri Munamma by the then Commr, Sri N S
Hiranmayya is appd

13 Record
12
1/5/56

COURT FEE TWO RUPEES

618

BEFORE THE GOVERNMENT OF MYSORE, BANGALORE

Revision Petition /53-54

SECRETARY TO GOVT. 24 31 25 JUN 1953 L.S.G. DEPARTMENT

Petitioner Muniamma,
Flower Merchant,
No 16, East Fruit Stall,
Sri Krishnarajendra Market,
Bangalore City

Vs

C M 35-53-14

Respondents:- 1) The Corporation of the City of Bangalore by its Commissioner

2) Oblappa,
Flower Merchant
Sri Krishnarajendra Market,
Bangalore City

Under Sections 43, 45 and 47 of the City of Bangalore Municipal Corporation Act, 1949, the Petitioner prays that this Hon'ble Court should be pleased to call for the record, the necessary correspondance and documents from the Corporation of the City of Bangalore in regard to the resolution passed by the Corporation on 19-5-1953 authorising the 2nd Respondent to take possession of Stall No 16, East Fruit Stall, Sri Krishnarajendra Market, Bangalore City and revise the said order and to give any other relief to the Petitioner that the Government may deem fit to do in the matter

That the Petitioner is a tenant of the Stall No,16, East Fruit Stall, Krishnarajendra Market for the last over 10 years She has paid rent every month regularly to the Corporation from the time up till to-day During her absence for about

about 3 or 4 months owing to the ill-health of her sister, the 2nd Respondent trespassed into her stall in question and was doing business She gave complaint to the Police and also to the Corporation The Commissioner of the Corporation after holding due enquiry and inspecting the spot passed an order No A3 Gl 6122/51-52 dated 21-5-1952 that the 2nd respondent should be evicted from the stall In the course of the order, the Commissioner has observed that the 2nd respondent is an interloper

The 2nd Respondent filed a suit in O S 72/52-53 on the file of the 1st Munsiff, Bangalore against the Corporation and the Petitioner He also obtained an ex-parte order of temporary ~~injunction~~ injunction which was eventually vacated Finally on 16-9-1952 the 2nd respondent filed an application for the withdrawal of the suit The learned 1st Munsiff dismissed the suit with costs While the suit was pending, the Corporation had also filed its written statement supporting the petitioner

After getting the suit dismissed, the 2nd respondent approached the Commissioner through some members of the Corporation The then Commissioner who had to lay down the office on 11-10-1952 passed an order exparte leasing the fruit stall No 16 in favour of the 2nd Respondent The Commissioner who passed the said order had entirely forgotten the previous order passed by his predecessor on 21-5-1952

Against the order of the Commissioner, the Petitioner preferred an appeal before the Taxation and Finance Sub Committee The said Sub Committee confirmed the order dated 21-5-1952 which was passed by the Commissioner and as such the appeal that was filed by the petitioner was allowed by the Taxation Sub Committee

Strangely enough, the member of the Corporation who is interested in the 2nd Respondent brought a subject which is the subject No 9 in the agenda and the same was passed through a resolution by the Corporation

GROUNDS

1 The resolution that has been passed by the Corporation is against law, facts and equities of the case

2 That the Corporation should have up-held the order passed by the Commissioner on 21-5-1952 and should have held that the 2nd respondent is an interloper and that the Petitioner is the proper person to be in possession of the Fruit Stall No 16 as a tenant

3 The Corporation has gorssly erred in passing this resolution without looking into the previous record of the case which shows that the 2nd respondent dragged the Corporation into a Court of Law

4 The Corporation should have passed a resolution when it has filed its written statement in the Court in O S 72/52-53 on the file of the First Munsiff to the effect that the Petitioner is the proper person to be the tenant and the 2nd respondent is not entitled to be x the lessee under the Corporation as regards to the Stall No 16, East Fruit Stall

5 The Corporation should have considered the order of the Commissioner dated 20 11-10-1952 is the illegal order on the grounds that it is an ex-parte order and the Commissioner should not have reviewed the order of his predecessor without affording an opportunity to the parties concerned

6 The Corporation should have considered that the petitioner is a poor and old lady who is solely depending on this business

7 The Corporation should have also considered that the 2nd respondent ~~xxxxxxxxxxxxx~~ is a trespasser and an interloper who is unnecessarily giving trouble to poor and innocent ladies like the petitioner

8 That, when the Corporation has received the rent from the petitioner for the last over 10 years up till to-day, it should have in any event confirmed the lease in favour of the petitioner

9 That the Petitioner will be put to irrepairable loss and injury if the stall in question is given to the 2nd respondent

LT

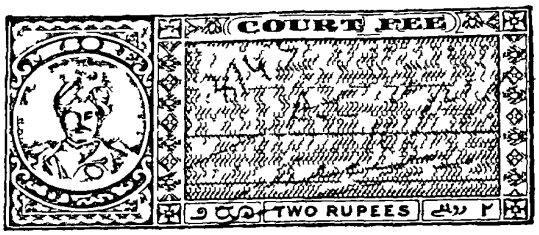
Mark of Thumb impression

~~Advocate for xxxxxxx~~ the Petitioner

Bangalore,
~~25-5-1953.~~
23-6-1953

Affidavit
Adv for petr

Copies




IN THE COURT OF Before the Govt of Mysore, Bangalore AT BANGALORE

Revn Pet - No of 1953 - 19

| PLAINTIFF/COMPLAINTANT PETITIONER/APPELLANT | | DEFENDANT/ACCUSED RESPONDENT |
|---|---|---|
| Bamiyamma | Vs | |

# VAKALATNAMA

*Executed by the* petitioner *in favour of*

Sri G R ETHIRAJULU NAIDU B A B L
A C BYRAPPA B A LL B
H MUNIVENKATAPPA B A LL B

ADVOCATES

I/we hereby empower the said advocate in person or by proxy on my/our behalf to appear in and conduct the above case as well as all proceedings arising out of and connected with the same to compromise the same and to do all such acts as may be proper and necessary for the due conduct thereof including the signing and presentation in court of the necessary petitions and papers

And I/we further authorise the said advocate to receive and give receipts for any money document or other moveable property, that is or may become payable or deliverable to me/us in the course of the said case or proceedings

*Bangalore City*

*Date* 17/6/52

Bamiyamma

*Accepted*

A C Byrappa

*Known to me and signed before me*

A C Byrappa

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

~~(Continuation sheet draft form)~~

1

No L 5491 / E-2 / 6-8-53

To

The Commissioner Corpn of the City & Blore (Through the Mayor)

Sir

I am directed to forward herewith a Copy of petition dated 23-6-53 Received from one Srimathi Rangamma appealing against the orders of allotment of Site No 16, East Front Site Sri Krishnarajendra Market and to Request that a detailed Report thereon may be furnished to Govt with all Connected Records

Yours faithfully

for Secy

Please type Copy 23/7/53

WD 01417- GPB -25 000—3 11 52

77 7

# CORPORATION OF THE CITY OF BANGALORE

No 3-P R 92/53-54
Enc as per list with a report

CORPORATION OFFICES,
BANGALORE

*Dated* 20th August 195 3

FROM

THE COMMISSIONER,
CORPORATION OF BANGALORE,
BANGALORE

To

The Asst Secretary to the Government of Mysore,
L S G and Planning Departments,
Bangalore

SIR

In compliance with you letter No L 5491 dated the 6th August 1953, I enclose herewith the connected file relating to stall No 16, East Fruit stall, Sri Krishnarajendra Market, together with a note detailing a short history of the case

Yours faithfully,

(K HANJERAPPA)
COMMISSIONER

SVR/-

21/8

20/8/53

8

# CORPORATION OF THE CITY OF BANGALORE

OFFICE OF THE COMMISSIONER
CORPORATION OF BANGALORE

No

*Dated* 17th August *195* 3

~~Nx&xTxE~~

SHORT HISTORY OF THE CASE RELATING TO ALLOTMENT OF STALL NO 16 (EAST FRUIT STALL-KRISHNA RAJENDRA MARKET)

Sri Obalappa was occupying the stall No 16 (East Fruit stall) in Krishnarajendra Market as a sub lessee for a number of years the original lessee being Srimathi Muniyamma Tussle arose between the Sub-lessee Obalappa and original lessee Srimathi Muniyamma, the letter claiming the shop since the Corporation in their resolution dated the 14th May 1952 resolved to the effect that the Sub-lessees or occupants of the several shops and stalls may be confirmed in their respective stall or shops Sri N S Hirannayya, the then Commissioner held on 17-5-1952 that in spite of the resolution of the Corporation, Srimathi Muniyamma the original lessee should be given the shop since he was satisfied from the enquiries made that Sri Obalappa was an interloper Before the order was given effect to, Sri Obalappa filed a suit in the Court praying for injuction to stay action As per injuction order of the Court no action was taken to evict Sri Obalappa and to instal Srimathi Munigamma in the stall

Sri Obalappa was sending frequent petitions to Sri B M Abu Baker who was the Commissioner after Srim N S Hirannaya, pointing out the irregularity of the later's order to give the stall to Srim Muniyamma while he had been in the shop for a number of years and the Corporation had decided in favour of the sub-lessees Sri B M Abu Baker went throughly into the whole question and passed the following orders dated the 26th September 1952

"I have made enquiries from neighbours in the Market Personally every one of them states that Sri Obalappa has been occupying the stal as a lessee of Srim Muniyamma who has sub-leased the stall to Sri Obalappa about 6 or 7 years back The Corporation has decided that in cases of sub-lessees, the original leases should be cancelled anf the lease confirmed in favour of the sub-lessee, the actual occupant In these circumstances Srim Muniyamma;sclaim for re-occupation of the

P T O

10



the shop by turning out the present occupant Sri Obalappa is not tenable Therefore the stall may be confirmed in favour of Sri Obalappa, the sub-lessee and present occupant

A doubt arose whether the above order can be given effect to when the matter is subjudice The Corporation Advocate opined that the above order can be given effect to only if the party Sri Obalappa withdrew his suit in the Court As per instructions Sri Obalappa withdrew the suit and prayed for an order confiring the stall In the mean while Srimathi Muniyamma appealded to the Chairman Standing Committee (Taxation & Finance pressing her claims for the shop and in deference to the Commissioner's instructions no further action was takne in the matter The Standing Committee (Taxation & Finance) at their meeting held on the 8th January 19 resolved that the stall may be allotted to Srimathi Muniyamma, Concurrently motions under rule 21 schedule of the Corporation Act to place the matter before the Corporation, were made by two Corporators Sriyuts N Ramamurthy and A C Channiah A ruling was made in this connection by the then Mayor Sri B V Lankappa to the effect that under the existing rule the allotment of the stalls rests with the Commissioner and no appeal against his order is provided in the Act The Corporation at their meeting held on the 19th May 1953 resolved that the proceedings of the Standing Committee (Taxation & Finance) dated the 8th January 1953 that the stall in question be allotte to Srimathi Muniyamma be not approved and that the Commissioner's note that th stall be continued in the name of Sri Obalappa be approved

The undersinged passed orders and issued memos accordingly on 25th May 1953

Jeremyevalpa
COMMISSIONER 18/8

VFR 17/8/53

17/8

73 భవరాజు
74 రాఘవయ్య
75 M. Bodigudam
76 D Q Murthy
77 వి నాగరాజు
78 S. Sriram
79 N. Abuthal
80 V V Swamy
81 వి రామలింగం
82 H V కిరణ్మయి
83 వి ఎస్ చిరంజీవులరెడ్డి
84 S ఫణీంద్రలింగేశ్వర్లు
85 P రాజయ్య
86 T రాజారామయ్య
87 BV కృష్ణమూర్తి
88 M శ్రీనివాస్
89 KT [illegible]
90 T శ్రీనివాస్
91 ఆంజనేయ
92 లక్ష్మణమంత్రి
93 రవిబాబు
94 రాజశేఖర్
95 శ్రీనివాస్
96 ఆదినారాయణ
97 రవీంద్ర
98 యుగంధర్
99 భక్తవత్సల
100 [illegible]
101 K Chandramouli Raju
102 K. Ranga Raju
103 C R [illegible]
104 అరవింద్ కేజ్రీవాల్
105 S [illegible]
106 [illegible]
107
108 [illegible]
109 హరిబాబు

IV



GROUNDS OF APPEAL

1 The petitioner submits that the said Muniamma has a stall for her business Stall No 1 adjascent to the K R Market Gate(Main) which she is even now in possession and enjoyment It was because she has one stall that she sublet Stall No 16 which the petitioner was made to occupy 8 years, and which he is still in occupation by virtue of that being granted to him by the Corporation authorities

2 That the petitioner has no place of business, if he should be thrown out of Stall No 16 which the Corporation authorities have been pleased to grant, he will be ruined

3 The petitioner is a very poor man with a family with no other source of income, and he has been supporting the family entirely on the business turned over in stall No 16 which he is in occupation, and he has been maintaining the family of 8 souls with difficulty by this source, which he has been in for the last eight years

4 The said Muniamma has preferred an appeal to Government purely with a violent malicious motive to ruin the petitioner

The petitioner very humbly submits that the signatories below bear testimony to the nature and character of the said Muniamma, and if they are permitted to speak of the above statements in person, they are prepared to represent the facts in person in the chambers of the Honorable Minister

Wherefore the petitioner very humbly prays that the petitioner may not be thrown out of Stall No 16, which he has been in occupation, and that the petition of the said Muniamma may please be dismissed with reliefs to the petitioner as might be deemed fit and appropriate in the case,

Bangalore City,
Dated, 21st Sept 1953 PETITIONER

Copy very humbly submitted to the Commissioner, Corporation of the City of Bangalore

We the undersigned, merchants in K R Market, declare that what has been submitted by the petitioner is true and that the said Muniamma is an agressive character

1
2 M వెంగళరాయుడు
3 S Sanjeevaiah
4
5
6
7
8 K S
9 G A Ramaiah
10
11 M. Narayana
12
13
14 C Narayan
15
16
17 Abdul gafoor
18 Ahmedulla Khan
19 S Ramaswamiah
20
21
22 Shakar
23
24 C N
25 M Munyappa
26 V Kotishappa
27
28
29
30
31
32
33 Zia Mohammad
34 H Abdul
35 M Abdul Wahab
36

37 M
38
39 N Bandaru Rao
40 S Abdul Rahman
41
42 S Syed
43
44
45 K N Basavarajaiah
46
47 N
48
49 Raghu
50 N G
51 S Lumbhugha
52 P
53
54 G
55
56 V.
57 T Lakshmaiah
58 C K Kondappa
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61 M
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66 M
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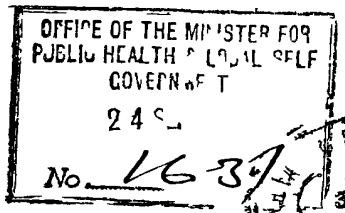
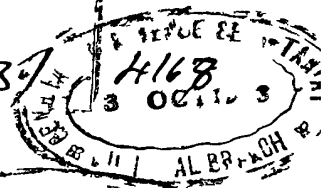
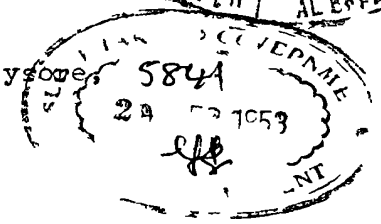
11




To

The Honourable Minister
for Local Self Government in Mysore,
Bangalore

Petitioner - Oblappa
Flower Merchant
16 K R Market
Bangalore City

Honourable Sir,

Sub Stall No 16 in K R market
Bangalore City in the occupation
of the petitioner

Legacy

I, Oblappa, the abovenamed petitioner very humbly beg to submit as follows -

1 That the petitioner has been in occupation of Stall No 16 of K R Market for the last 8 years, and that it was sub-let by one Muniamma, on a monthly rental of Rs 8/- while she was paying to the Corporation the sum of Rs 1-14-0 being the rent This subletting to me was on account of her being in possession and occupation of another stall in her name, which she is even now in occupation and enjoyment, StallNo 1 adjascent to the Main Gate to the K R Market She has been thus earning four times the value of the rent she was paying to the Corporation

2 About 2 years ago, the corporation authorities to regularise the tenants of the stalls in the K R Market took down the names of those who were in actual occupation of the premises, the petitioner's name was taken down as the actual occupant of Stall No 16 in question

3 Thereupon, the said Muniamma who had sublet the premises to me wanted me to vacate the premises and hand over possession to her In this connection the police records in the Market Police Station, and other records in the Corporation Offices as also those in the court bear testimony asto her character and nature of activity, that she has been malicious, violent, abusive agressive and militant not hesitating to adopt any measures which are against the law The Mutchalikas in the City Market Police Station bear testimony to the nature and character of the said Muniamma Above all, the merchant community have in the K R Market bear testimony to what the petitioner has stated by attesting this petitionx at the close

4 While the Corporation authorities have been pleased to let me be the occupant of StallNo 16 in question having the matter discussed and decided in the Party Meeting, Councillors meeting a Chairman Meeting and Sub-Committee Meeting, the said Muniamma not being satisfied with the decision of the Corporation authorities, has, it appears approached your Honorable Self for the restoration of Stall, No 16 which I have been in for the last 8 years The matter has been settled in the first instance by the Commissioner, then by the S C (T & F) and finally by the Corporation The Council have resolved on 10-5-1952 that whoever is the occupant and sub-tenant, can be recognised

M G S App F G 3

MYSORE GOVERNMENT
SECRETARIAT

(Continuation sheet draft form)

12

No L13594/C M 35-53-29
18-1-54

To

The Commissioner, CCB
(through the Mayor)

Subject Appeal petition of Smt Nanjamma — Allotment of Stall no 46 - East front Block - Sri G R Naresh

Sir,

With reference to your letter no. M3 DRQ 53-54 dated 20 8 1953 on the subject, I am directed to state that records in the Block in question has been

WD 03546—GPB—40 000 —14 8 53

allotted to Smt Renukamma
who had allowed Sri Obalappa
to sit and do business on
her behalf Sri Obalappa
who thus came to be in authority
of possession of the plaint property
& it to be taken over by the
legal heirs after some
correspondence was made was
referred to the Civil Court, Sri
N S Ashwathanarayana who after
considering all aspects of the case
and getting reports from the learned
advocate Com, passed orders to the effect
that Sri Obalappa was the
caretaker and that the shop
may be given to Smt Renukamma
Pursuant from her a sum of Rs 10/
and getting a 1 month lease
executed from her

On a further examination of
the matter by the Court on the question

M. G S App F G 3

MYSORE GOVERNMENT
SECRETARIAT

(*Continuation sheet draft form*)

pletion of Sri Obalappa
as the result of the Court's
decree of the Assistant Collector
ordered to Confirm
Shops in favour of Sub
lessees, orders were
passed again on 17-5-52
to evict Obalappa according
to the process of law as
being considered as
trespasser and to put
Smt Ellamma in
possession on lease for
11 months after her
paying a fine of
Rs 150/. The above
orders have been passed
by Sri N S Shivaramaiah
after considering all
aspects of the Case

After Sri Shivaramaiah
was succeeded by Sri

WD 03546—GPB—40 000 —14 8 53

B of Abo Bauer a member
of petitions were presented on
this behalf - Sir Obalappa
in the meanwhile approached
the civil Court, obtained a stay
and thereafter without pursuing
the matter in the Court undertook
her case On Several
subsequent petitions of Sri Obalappa
Sri Abo Bauer caused another
Cheque to be made and passed
order in favour of Sri Obalappa
and against Srimathi Nanjamma
Restoring the orders of the previous
Commissioner This latter order
of Sri B.N Abo Bauer has
been confirmed by the S.C. and
the Corporation
This is a matter in which
the Commissioner has special powers
of disposal Sri Hiriyannaiah had
passed order in the case after

M G S. App F G 3

MYSORE GOVERNMENT
SECRETARIAT

*(Continuation sheet draft form)*

thoroughly examining a
case. It was therefore
not proper on the part
of the Secretary to
pass the orders the
standing Committee and
the Corporation were also
not advised their rights
to file references as
was a matter on which
the Commissioner has
the Commissioner has absolute
powers without an appeal
lying either to the S.C. or
the Corporation Certain
Municipal authorities are
charged with certain
duties under the Act
and there cannot be
any overlapping of
functions certain provision
is made for appeals

WD 03546—GPB—10 000 —14 8 53

18

In case of the Rita Claims
the orders of Sir W.S. Haldane
has to be treated and said
should we ever have to
request you to withdraw
only the later order of Sir
B.M. Alec Baker would respected
by the SC and the Corporation
should not be set aside
The Records accompany

Yours faithfully

G.S.G. Secy

31/1/13

ಸ೨ 13594/EM 35-53-29

9

(Municipal Branch)
18-1-54

The
L S G & Planning Departments

To

The Commissioner,
Corporationof the City of Bangalore
(thro' the Mayor)

Sir,

Subject Appeal petition of Smt Muniamma, Allotment of stall No 16 - East Fruit Stall - Sri Krishnarajendra Market

- - - -

With reference to your letter No A3 P R 92/53-54 dated 20th August 1953, on the subject, I am directed to state that it is seen from the records that the stall in question has been allotted to Smt Muniamma who had allowed Sri Obalappa to sit and do business on her behalf Sri Obalappa who thus came to be unauthorisedly in possession of the stall refused it to be taken over by the legal lessee After some correspondence the matter was referred to the then Commissioner Sri N S Hirannayya, who after considering all aspects of the case and getting reports from the market authorities passed orders to the effect that Sri Obalappa was an interloper and that the shop may be given to Smt Muniamma recovering from her a fine of Rs 10/- and getting a 11 months lease executed by her

2 On a further examination of the matter by the same Commissioner, on the revision petition of Sri Obalappa, in the light of the resolution of the erstwhile Bangalore City Municipal Council to confirm shops in favour of sub-lessees, orders were passed again on 17th May 1952 to evict Sri Obalappa according to the process of law being considered an interloper and to put Smt Muniamma in possession on lease for 11 months after her paying a fine of Rs 10/- The above orders have been passed by Sri N S Hirannayya, after considering all aspects of the case

3 After Sri Hirannayya was succeeded by Sri B M Abu Baker, a number of petitions were presented in this behalf Sri Obalap a in the meanwhile approached the Civil Court, obtained a stay order and thereafter without pur uing the matter in the Court withdrew his case On several subsecuent petitions of Sri Obalappa Sri Abu Baker caused another enquiry to be made and passed orders in favour of Sri Obalappa and against Smt Muniamma reversing the orders of the previous Commissioner This latter order of Sri B M Abu Baker has been confirmed by the Standing Committee and the Corporation

4 This is a matter at which the Commissioner has final powers of disposal Sri Hirannayya had passed orders in the case after thoroughly examining the matter It w s therefore not proper on the part of his successor to revise his orders The Standing Committee and the Corporation were also not within their rights to have interfered as this is a matter in which the Commissioner has absolute powers without an appeal lying neither to the Standing Committee or the Corporation Certain Municipal authorities are charged with certain duties under the Act and there cannot be an overlapping of function unless provision is made for appeals In view of all these facts the orders of Sri N H Hirannayya has to be treated final and should stand and I am therefore to request you to intimate why the latter order of Sri B M Abu Baker and approved by the Standing Committee and the Corporation should not be set aside

The Records accompany

Yours faithfully,

(V Hanumanthappa)
For Secretary to Government,
L,S G & Planning Departments

knr-2/15,1 54

199 / C

# CORPORATION OF THE CITY OF BANGALORE

21

No A3/P R 16/54-55 — CORPORATION OFFICES, BANGALORE

Dated 6th May 1954

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

To

The Secretary to the Government of Mysore,
Local Self Government and Planning Departments,
BANGALORE

SIR

Subject - Appeal petition of Srim Muniyamma- Allotment of stall No 16 East Fruit stall Sri Krishna Rajendra Market- Government reference No L 13594/C M 35-53-29 dated 18th January 1954

---

With reference to the correspondence quoted above I write to state that the Corporation at their meeting dated the 20th April 1954 asked for the opinion of the Corporation Advocate on the above subject The connected file has been sent to the Corporation Advocate calling for his opinion He is being asked to expedite his views A reply will be sent as soon as the Corporation final views are obtained

Yours faithfully,

Jeerangappa 6/5

(I HEERJERAPPA)
COMMISSIONER

VKR 6/5/54

3651

(22)

# CORPORATION OF THE CITY OF BANGALORE

No A3 Pr 16/54-55

CORPORATION OFFICES
BANGALORE

Dated 9th October 1954

FROM

THE COMMISSIONER,
CORPORATION OF BANGALORE
BANGALORE

To

The Secretary to the Government of Mysore,
L S G and Planning Departments,
Bangalore

SIR

Subject Appeal petition from Sm Muniyamma for stall No 16 of Krishnarajendra Market, Bangalore City

Ref Pending list - Sus No 80

With reference to the above, I write to state that the matter is pending before the Corporation A reply will be sent soon after the disposal of the subject by the Corporation

Yours faithfully,

(K Henjerappa,)
COMMISSIONER

TNL/-

23

# CORPORATION OF THE CITY OF BANGALORE.

No A 3/P R 16/54-55 Encl: Petn no 16 with resolution

CORPORATION OFFICES,
BANGALORE,
*Dated* 29th November 1954.

MYSORE 63446 3-DEC 1954 DISPATCH

FROM
THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

2-12-1954

The Secretary to the Government of Mysore,
Local Self Government & Planning Departments,
B A N G A L O R E

SRMS 3/12

SIR

SUBJECT - Appeal petition of Srim Muniyappa Allotment of Stall No 16, East Fruit Stall, Sri Krishnarajendra Market
Reference - Your letter No L 13594/C M 35-53-29 dated the 18th January 1954

---

With reference to the Government letter quoted above, I write to state that the same was placed before the Corporation whose resolution dated the 14th October, 1954 is enclosed

The Corporation conceded the power of the Commissioner with regard to allotment of stalls or shops within the premises of the Public Markets under section 313 (1) of the Corporatio Act

No doubt the Commissioner has got powers for alloting stalls after licensing the same under the above section, but at the same time, the Commissioner has also got the power of re-opening the allotment if the original allotment made by his predecessor was based on in-correct or in-sufficient data or if the allottee commits any breach of the conditions of allotment It is under these circumstances, that the then - Commissioner Sri Abu Baker passed orders after making personal enquiries alloting the stall to Sri Oblappa (Please vide page 119 of the current file) enclosed for perusal and return

The matter is therefore submitted to the Government for perusal and orders

Forwarded with compliments

Seetha Ram

( H S SEETHARAM)
MAYOR.

Yours faithfully,

Testimonial Page 3071

( K HANUMANTHAPPA)
COMMISSIONER

(24)

PROCEEDINGS OF THE ADJOURNED MEETING OF THE CORPORATION OF THE CITY OF BANGALORE, HELD ON THE 14TH OCTOBER 1954

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16 Letter No L 13594/C M 35-53-39 dated 18-1-1954, from the Secretary to Government L S G and Planning Departments, on the appeal petition of Srimathi Muniamma for allotment of stall No 16, East Fruit Stall Sri Krishnarajendra Market, stating that this was a matter in which the Commissioner had final power of disposal that Sri Hirannayya had passed orders after through examination of the case, that it was therefore not proper on the part of his successor Sri B M Abu Baker to revise the orders and that the standing - Committee and the Corporation were also not within their right to have interfered as this is a matter in which the Commissioner had absolute powers without an appeal lying either to the Standing Committee or the Corporation and requesting to intimate why the latter order of Sri B M Abu Baker approved by the Standing Committee and the Corporation should not be set aside and the Corporation resolution dated 20th April 1954 calling for legal opinion and Corporation Advocate's opinion in the matter

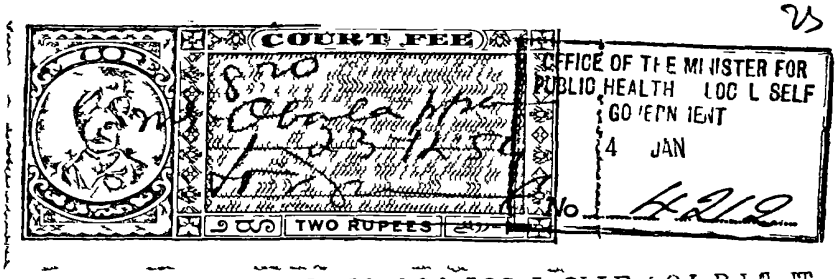
Sri V P Devanadayalu Naidu moved the following resolution

"Resolved that the first decision of Sri N S Hirannayya, allotting stall No 16, East Stall in Sri Krishnarajendra Market to Srimathi Muniamma, be approved "

Sri M Jayaswalan seconded the resolution

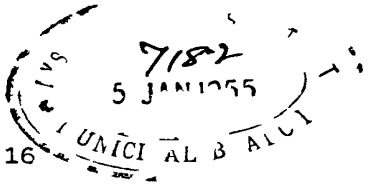
"Copy"

N S [illegible]
for Commissioner
Corporation of the City of Bangalore




BEFORE THE HON'BLE MINISTER FOR LOCAL SELF GOVERNMENT
IN MYSORE BANGALORE

No of 1954




Petitioner - Cblappa,
Flower merchant StallNo 16
Krishnarajendra Market
Bangalore City

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The petitioner very humbly begs to submit as follow -

1 That the petitioner has been a holder of stall No 16 of the K R Market Bangalore City for the last 8 years

2 That the stall formerly was in the name of Muniamma who handed over possession of the said stall to the petitioner 8 years ago and that she was collecting rents of Rs 10/- per month from the petitioner But she was paying to the Corporation of the City of Bangalore Rs 2/- per month

3 That in accordance with the settlement of titles of occupation in 1951 to the party in occupation of the stalls in the K R Market the petitioner was nominated the occupant of the said stall

4 That Muniamma with a view to harass the petitioner and also with a view to make more money out of the stall in question took recourse to violent physical assault and vulgar abusive language and all that in spite of her having a stall No 1 at the back of the main gate

5 That in spite of her having a stall of her own i.e., stall No 1 at the back of the main gate the said Muniamma has been taking advantage of all possible resources official and otherwise and that she now appears to have challenged the order of the Commissioner of the Corporation of the City of Bangalore and that the papers have now been placed before the Hon'ble Minister concerned for final disposal

GROUNDS OF APPEAL

1 That the petitioner has been in occupation of the Stall No 16 for the last 8 years, and is now paying the rentals to the Corporation now

2 That if the petitioner is deprived of the stall he will be practically ruined, with all the family being reduced to starvation as flower-selling has been the onlysource of his livelihood

3 That there has been suits filed by the said Muniamma and finally it was withdrawn and compromised

4 That the petitioner has submitted his peititon earlier to the Hon'ble Minister for Local Self Government in Mysore, Bangalore appending the signatures of 100 flower merchants of the K R Market who confirm the malice of Muniamma

P T O

5 That Nianma with a view to harass and ruin the petitioner has now taken this matter to the Hon'ble Minister, challenging the orders of the Commissioner and the earlier Officer, Mr Ab-Baker both of whom have inspected the spot and have made sure that Niamma has no manner of right or title to encroach upon Corporation Properties and that Niamma in other words with no other motive but malice manages to take this matter to the Hon'ble Minister that she has a stall of hers in the Corporation Market and it is clear that the motive of Niamma is no other than to deprive and see that the petitioner is ruined

PRAYER

The petitioner very humbly prays that the Hon'ble Minister be pleased to order the stall in the name of the petitioner for cases submitted above and also prays that the spot may kindly be inspected personally and take the views of not only the Corporation Authorities but also of the flower merchants and confirm the order of the Commissioner endowing title of occupation to the petitioner

Bangalore City,
Dated, 24th December 1954,

PETITIONER

(27)

L 13067-9
27-1-55 Notice

Date

1) Sri Veeriyamma
Flower merchant
No 16 East Front Stall
Sri K R Market Bangalore
through her Counsel
Sri A C Byrappa BA LLB,
Advocate, Bangalore

2) Sri Chikkappa
Stall No 16 Flower merchant
Sri K R Market
Bangalore

3) Commissioner CCB
Bangalore

Sub Appeal petition dated 23-6-1953
from Sri Veeriyamma regarding
allotment of Stall No 16 - East Front Stall
Sri Krishnarajendra market - Bangalore

The above Case is posted
for hearing will be heard by the Hon'ble
Sri P H & R S G on 31-1-55 - at 1 PM
in his Chambers, DC Police Offices, Bangalore

L 13148

Mysore Government 29 30
xxxxxxxxxxxxxx
31 1-55

Education &

The Commissioner,
Corporation of the City of Bangalore,
(thro' the Mayor)

Subject Appeal from Smt Muniyamma for allotment of stall No 16, Krishnarajendra Market
- - -
Reference This office letter No A3 P R 16/54-55 dated 29-11-1954
- - -

With reference to the above, I am directed to enquire whether Smt Muniyamma owns stall No 1 in Krishnarajendra Market also in addition to stall No 16 The reply may kindly be furnished by return of post

Yours faithfully,

31/1

(V.Hanumanthappa)
for Secretary to Government,
Education & L S G Departments

knr-2/31 1

29

Appendix F G —1]

SUBJECT Appeal for Sri Muniyamma for allotment of Shop No 16 K R Market

*Diary No of letter replied to*

Mysore Government Secretariat

( )

*the* *195*

Date of issue

Signed by

List of enclosures

Copied by

Examined by

L 131/48 Section

File No

31-1-55 Serial No

No

To The Commissioner of Corporation of Mysore

Sir

Ref: Your letter No C C 16/54-55 dated 29-11-54

With reference to the above I am directed to enquire whether Sri Muniyamma owns Shop No 1 in K R Market also ascertain whether Shop No 16 the only may kindly be furnished by return of post

Yours faithfully

Secretary

WD 04859—GPB—40 000—22-1-54

3/

# CORPORATION OF THE CITY OF BANGALORE

No A 3-P R 16/54-55 Engdr 7889

CORPORATION OFFICES
BANGALORE

Dated 2nd September 1955

FROM

D R CHENNARUDRAIYA B A M Sc
COMMISSIONER

CORPORATION OF THE CITY OF BANGALORE
BANGALORE

TO

THE SECRETARY TO THE GOVT , OF MYSORE,
Education and L S G Departments,
Bangalore

SIR

CM 35-53-30

SUBJECT - Appeal from Sm Muniyamma for allotment of Stall No 16, Krishnarajendra Market

Ref - Correspondence ending with your letter No L 13148 dated the 31st January 1955

With reference to the correspondence quoted above, I write to state that the License of Stall No 1, East Flower Line, Sri Krishnarajendra Market, is in the name of Sm Muniyamma, the appellant and she is actually doing business in that stall Stall No 16 in question was originally in the name of Sm Adamma and after her death it came into the possession of one Sm Muniyamma This Muniyamma i e , Adamma's daughter is never found in the market It is only Sm Muniyamma of Stall No 1 referred to above and stated to be the daughter of Sm Muniyamma of Stall No 16, who has been sending representations and agitating for possession of Stall No 16, which has been transferred in favour of Sri Obalappa for the reasons already given in this Office detailed Note sent with this Office letter No A 3-P R 92/53-54 dated 21-8-1953

Yours faithfully,

(V P DEENADAYALU NAIDU)
MAYOR

(D R CHENNARUDRAIYA)
COMMISSIONER

SVR)

P DEENADAYALU NAIDU
B A LL B

MAYOR OF THE CITY OF BANGALORE

CORPORATION OFFICES
BANGALORE

12th Jany 1956

The Secretary to the Government of Mysore,
Education and L S G Departments,
Bangalore

Dear Sir,

Re Appeal from Sm Muniamma for allotment of Stall No 16, Krishnarajendra Market

It is on the issue raised by Sm Muniamma, the Corporation has laid down a definite policy with regard to allotments It was also made clear that the allotment made by Sri N S Hirannayya, as Commissioner, should not be reopened or revised by the succeeding Commissioner Sri Abu Baker However, as it was done, the only course opened was for the Corporation to intervene through the Standing Committee The Standing Committee and the Corporation while accepting that the orders once passed by the Commissioner should not be questioned, revised or reviewed, recommended ultimately that the stall in question should be allotted to Sm Muniamma As such I request you kindly to recommend to the Government in consonance with the recommendation made by the Corporation to allot the stall to Sm Muniamma

DRAFT 35

Proceedings of the Government of Mysore

V P DEENADAYALU NAIDU
B A LL B

CORPORATION OFFICES
BANGALORE

12th Jany 1956

The Commissioner,
Corporation of Bangalore,
Bangalore

Dear Sir,

Re Appeal from Sm Muniamma for allotment of stall No 16, Krishnarajendra Market

It is on the issue raised by Sm Muniamma, the Corporation has laid down a definite policy with regard to allotments It was also made clear that the allotment made by Sri M S Hiranmayya, as Commissioner, should not be reopened or revised by the succeeding Commissioner Sri Abu-Baker However, as it was done the only course opened was for the Corporation to intervene through the Standing Committee The Standing Committee and the Corporation while accepting that the orders once passed by the Commissioner should not be questioned revised or reviewed, recommended ultimately that the stall in question should be allotted to Sm Muniamma As such I request you kindly to recommend to the Government in consonance with the recommendation made by the Corporation to allot the

13/1/56

p t o

stall to Sm Muniamma

Yours faithfully,

Mayor

Mayor)

I am not in a position to make any recommendation Govt want some factual information and that is furnished The letter addressed to the Secy on 2nd Sept 1955 may therefore be forwarded

16/11/56

DRAFT 35

Draft

Proceedings of the Government of Mysore

Read -

Appeal petition dated 23-6-53 from Sri Muniamma flower merchant, No 16, East Fruit Stall, Krishnarajendra Market, Bangalore City, through her Counsel Sri A C Byrappa, B A , LL B , Advocate, Bangalore, against the resolution dated 19-5-53 authorising Sri Obalappa to take possession of Stall No 16, Krishnarajendra Market, Bangalore City

Appeal petition dated 24-12-1954 from Sri Obalappa Flower Merchant, Stall No 16, Krishnarajendra Market, Bangalore City, through his Counsel Sri B Basavalingappa, Advocate Bangalore, requesting to confirm the order of the Commissioner, endowing the title of occupation of stall No 16, K R Market, in his favour

Correspondence ending with letter No A3 PR 16/54-55 dated 29-11-1954 and 18-1-56 from the Commissioner, Coporation of the City of Bangalore, forwarding the resolution dated 14-10-1954 of the Corporation resolving that the first decision of Sri N S Hirannayya (the then Commissioner) allotting Stall No 16, East Stall in K R Market to Sm Muniamma be approved

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Order No L 16574-76 / CH 35-53-3/ dt 21-3-56.

There was a dispute between Sm Muniyamma and Sri Obalappa regarding the ownership of Stall No 16, (East Fruit Stall) K R Market, B City Sri N S Hirannayya, the then Commissioner of the Corporation who held enquiry in the matter has passed an Order as follows on 21-5-52

"The question now is whether Sri Obalappa in occupation of the Stall purely as an interlopor or as a sub-lessee of the legal tenant Sm Muniamma is even now paying the rent Sri Obalappa, it is therefore that of an interloper who cannot be recognised as an occupant even under the terms of the recent resolution ~~dated 14-5-52 of the Corporation~~ of the Corporation I therefore direct that Sri Obalappa be evicted according to the process

of Law and Sri Muniamma put in possession after payment of a fine of Rs 10/- Her lease will as usual run only for 11 months at a time ")

Sri Obalappa continued to be in the Possession of the Stall as he obtained a temporary injection order from the Court of the Munsiff restraining the Corporation from interfering with his possession of the Stall as per orders of the Commissioner He thereafter was frequently sending petitions to Sri B M Abu Baker who was the Commissioner after Sri N S Hiranmayya pointing out the irregularities of the latter's order to give the stall to Sm Muniamma, on the ground that he had been in the shop for a number of years and also that the Corporation had decided in favour of the Sub-Lessees Sri Abu Baker held enquiry and passed the following orders on 26-9-1952

" I have made enquiries from neighbours in the market personally Every one of them states that Sri Obalappa has been occupying the stall as a lessee of Sm Muniamma who has sub-leased the Stall to Sri Obalappa about 6 or 7 years back The Corporation has decided that in the cases of sub-lessees the original lessees should be cancelled and the lease confirmed in favour of the sub-lessee, the actual occupant In these circumstances Sm Muniamma's claim for re-occupation of the Shop by turning out th present occupant Sri Obalappa is not tenable Therefore the stall may be continued in favour of Sri Obalappa the sub-lessee and present occupant "

Sri Obalappa withdrew his suit in the Court and requested for an order for confirming the Stall in his favour Sm Muniamma appealed to the Standing Committee and Corporation The Corporation resolved on 19-5-53 that the stall in question be continued in the name of Sri Obalappa Then the appeal came up before Government against the decision of the Corporation Government after examination found t

37

that the Order passed by Sri N S Hirannay a to be more equitable and appropriate This is a matter in which the Commissioner has final powers of disposal Sri Hira nayya has passed orders and it was not proper on the part of his successor to revise his orders he Corporation who were was requested to show cause why order of Sri Hirannayya may not be confirmed, have resolved in their meeting held on 14-10-1954 that the first decision of Sri N S Hirannayya allotting Stall No 16 Last Stall in Sri Krishna-rajendra Market to Smt Muniamma be approved

In the circumstances the order passed by Sri N S hirannayya, the then Commissioner, allotting Stall No 16 Last Stall, to Smt Muniamma is approved

1573

for Secretary to Government,
Education & LSG Departments

To

The Commissioner, Corporation of the City of Bangalore through the Mayor

The Controller, S A D

The Auditor, C C B

b s 6/3/DRAFT

Copies 8/12

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

READ:-

Appeal petition dated 25-6-1953 from Smt Muniamma, Flower Merchant, No 16 East Fruit Stall, Krishnarajendra Market, Bangalore City, through her counsel Sri A C Byrappa, B A., L L B., Advocate, Bangalore, against the resolution dated 19-6-1953 authorising Sri Obalappa to take possession of stall No 16, Krishnarajendra Market, Bangalore City.

2. Appeal petition dated 24-12-1954 from Sri Obalappa, Flower Merchant Stall No.16, Krishnarajendra Market, Bangalore City, through his counsel Sri D.Basavalingappa, Advocate, Bangalore, requesting to confirm the order of the Commissioner, endorsing the title of occupation of stall No 16, Krishnarajendra Market, in his favour.

3. Correspondence ending with letter No 13 M.C.C/54-55 dated 29-11-54 and 18-1-1955 from the Commissioner, Corporation of the City of Bangalore forwarding the resolution dated 14-10-1954 of the Corporation resolving that the first decision of Sri [illegible] Hiranmayya (the then Commissioner) allotting stall No 16, East Stall in Krishnarajendra Market to Smt. Muniamma be approved.

ORDER NO L 16574-76/CM 35-53-54

Dated, Bangalore, the 21-3-55

There was a dispute between Smt Muniyamma and Sri Obalappa regarding the ownership of Stall No 16 (East Fruit Stall) Krishnarajendra Market, Bangalore City. Sri [illegible] Hiranmayya, the then Commissioner of the Corporation who held enquiry in the matter has passed an order as follows on 21-3-1952 -

"The question now is whether Sri Obalappa is in occupation of the stall purely as an interloper or as a sub-lessee of the legal tenant Smt. Muniamma is ever ready to pay the rent. Sri Obalappa's position is therefore that of an interloper and cannot be recognised as an occupant even under the terms of the recent resolution of the Corporation. I therefore direct that Sri Obalappa be evicted according to the process of Law and Smt Muniamma put in possession after payment of a fine of

Rs.10/- Her lease will as usual run only for eleven months at a time ")

Sri Obalappa continued to be in the possession of the stall as he obtained a temporary injection order from the Court of the First Munsiff restraining the Corporation from interfering with his possession of the stall as per orders of the Commissioner. He thereafter was frequently sending petitions to Sri B M Abu Baker who was the Commissioner after Sri N S.Hirannayya, pointing out the irregularities of the latter's order to give the stall to Smt Muniamma, on the ground that he had been in the shop for a number of years and also that the Corporation had decided in favour of the sub-lessees Sri Abu Baker held enquiry and passed the following orders on 26-9-1952 -

"I have made enquiries from neighbours in the market personally Every one of them states that Sri Obalappa has been occupying the stall as a lessee of Smt Muniamma who was sub-leased the stall to Sri Obalappa about 6 or 7 years back. The Corporation has decided that in cases of sub-lessees the original lessees should be cancelled and the lease confirmed in favour of the sub-lessee, the actual occupant. In these circumstances Smt Muniamma's claim for re-occupation of the shop by turning out the present occupant Sri Obalappa is not tenable Therefore the stall may be continued in favour of Sri Obalappa the sub-lessee and present occupant "

Sri Obalappa withdrew his suit in the Court and requested for an order for confirming the stall in his favour Smt Muniamma appealed to the Standing Committee and Corporation. The Corporation resolved on 19-5-1953 that the stall in question be continued in the name of Sri Obalappa Then the appeal came up before Government against the decision of the Corporation Government after examination found that the order passed by Sri N S Hirannayya to be more equitable and appropriate This is a matter in which the Commissioner has final powers of disposal. Sri Hirannayya has passed orders and it was not proper

40

on the part of his successor to rev se his orders. The Corporation wh se re quested to show ca se why order of Sri Hiranmay e may not be confirmed, have received in their meeti g held on 14-12-1964 that the first decision of Sri Hiranmayya allotting stall No.16 East Stall , is Sri Ramakrishnaiah be approved

In the circumstances the order passed by Sri H Hiranmayya, the then Commissioner, allotting stall No 16 East Stall to Smt Munigutta is approved

B Channabasappa

(B C Channabasappa)
for Secretary to Government,
Education & Labour Departments

To

The Commissioner, Corporation of the City of Bangalore (thro' the Mayor) with records
The Controller, State Accounts Department, Treasuries.
The Auditor, Corporation of the City of Bangalore

krr-G/19756